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INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

Case No. 1

MOTION No. _____

THE UNITED STATES OF AMERICA, et al,

vs.

ARAKI, Sadao, et al, Defendants.

MOTION SUGGESTING THE DISQUALIFICATION
AND PERSONAL BIAS OF THE PHILIPPINE
JUSTICE OF THE TRIBUNAL.

Now comes HIROTA, Koki, by his duly appointed attorneys of record, and moves the Honorable, The International Military Tribunal for the Far East, for an order adjudging that the Honorable Delfin Jaranilla, the Philippine Justice representing the Commonwealth of the Philippines on this Honorable Tribunal, is disqualified to sit and function as a Justice of this Honorable Tribunal, and as grounds for said motion says as follows:

1. The defendant and his counsel of record are informed and believe, and upon such information and belief allege that the Honorable Delfin Jaranilla, the Philippine Justice upon the Tribunal, was captured by the Japanese armed forces in the Philippines during the early part of World War No. 2 and was forced by the Japanese army, while he was in an impaired state of health, to undergo an inordinately long march popularly called during World War No. 2 "The Death March of Bataan, " and for a long time after his said capture was held as a prisoner of war. As the so-called "Death March of Bataan" is part of the evidence which will come before this Tribunal under the pending Indictment, and as the Honorable Delfin Jaranilla,

the Philippine Justice, was a participant and actor in such episode, he has and maintains in the legal sense a personal bias and prejudice against this defendant. By reason of the foregoing the defendant is unable to obtain a fair and impartial trial before this Honorable Tribunal with said Philippine Justice sitting as a member of the Tribunal.

2. Counsel certify that the grounds stated in this motion are made in good faith and not for any purpose of hindrance or delay.

HIROTA, Koki,
By

/s/ Jadashi Hanai
Japanese Counsel

/s/ David F. Smith
American Counsel

To:

The International Military Tribunal for the Far East;

And to:

The General Secretary Thereof.